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Hearing Date: June 21, 2011 at 10:00 a.m.

Attorney for Ahaus Tool & Engineering Inc.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:	:
	: Chapter 11
DELPHI CORPORATION, <u>et al.</u> ,	: Case No. 05-44481 (RDD)
	: Jointly Administered
Reorganized Debtors,	:
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DELPHI CORPORATION, et al.,	: Adv. Pro. No. 07-02076 (RDD)
	:
, Plaintiffs,	:
	:
- against -	:
	:
AHAUS TOOL & ENGINEERING INC.	:
	:
Defendant.	:
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**OBJECTION - JOINDER OF AHAUS TOOL & ENGINEERING INC. TO SUR-
REPLY OF JOHNSON CONTROLS, JOHNSON CONTROLS BATTERY GROUP, AND
JOHNSON CONTROLS, INC. AND SUR-REPLY OF METHODE ELECTRONIC AND
SUR-REPLY OF EX-CELL-O MACHINE TOOLS INC. AND OTHER DOCUMENTS
FILED IN FURTHER OPPOSITION TO REORGANIZED DEBTORS'
MOTION FOR LEAVE TO FILE AMENDED COMPLAINTS**

AHAUS TOOL & ENGINEERING INC., (“Ahaus”) by its undersigned counsel, hereby joins in and adopts the arguments set forth in the following sur-replies to the Reorganized Debtors’ motion for leave to file amended complaints (the “Sur-replies”) filed by (the “Objecting Preference Defendants”) including, but not limited to:

- 1. JOHNSON CONTROLS', JOHNSON CONTROLS BATTERY GROUP's, AND
JOHNSON CONTROLS, INC'S. SUR-REPLY IN SUPPORT OF ITS
OBJECTION TO THE REORGANIZED DEBTORS' MOTION FOR LEAVE TO
FILE AMENDED COMPLAINTS (DOCKET NO. 21312)**
- 2. METHODE ELECTRONIC 'S SUR-REPLY IN SUPPORT OF ITS OBJECTION
TO THE REORGANIZED DEBTORS' MOTION FOR LEAVE TO FILE
AMENDED COMPLAINTS (DOCKET NO. 21319)**
- 3. EX-CELL-O MACHINE TOOLS INC'S SUR-REPLY IN SUPPORT OF ITS
RESPONSE TO REORGANIZED DEBTORS' MOTION FOR LEAVE TO FILE
AMENDED COMPLAINTS (DOCKET NO. 21321)**

Exhibit A to docket no. 21312 is wrong re Ahaus. The debt is not owed by Plaintiff as per sur-reply of Methode Electronics, Inc. – docket no. 21319.

The facts set out in the Sur-replies are substantially similar to the relevant facts with respect to Ahaus . (except that Butzel Long, not Togut as in docket nos. 21312 and 21321 represents the Plaintiff in the Ahaus adversary and the numbers cited by the Plaintiff are not completely meaningless as they are alleged to be in docket no. 21312) so that any relief granted for the benefit of the Objecting Preference Defendants should be granted to Ahaus

On the other hand Ahaus has facts and arguments not made by and perhaps not available to the Defendants in whose sur-replies Ahaus joins.

Ahaus on April 27, 2010 served and filed a motion to dismiss the adversary proceeding docket nos. 15-30 in its adversary proceeding (07-02076).

Ahaus on May 10, 2010 served and filed a joinder to docket nos. 19401 and 19677, docket no. 43 in its adversary proceeding (07-02076) and 20001 in 05-44481.

Ahaus on July 2, 2010 served and filed a joinder to replies to Debtors' omnibus response to motions to vacate orders and dismiss complaints, docket no. 47 in its adversary proceeding (07-02076) and 20336 in 05-44481.

Ahaus on October 22, 2010 served and filed a joinder to docket nos. 20699 and 20700, to vacate the fourth extension order pursuant to FRCP 60 (b)(1) docket no. 50 in its adversary proceeding (07-02076) and 20710 in 05-44481.

Ahaus' earlier filings set forth additional facts and arguments which provide additional reasons why the relief sought in the Objections should be granted to Ahaus. I do not repeat them here.

Ahaus incorporates all applicable, meritorious facts, arguments and authorities raised by the Objecting Preference Defendants in their Sur-replies.

Ahaus incorporate all of the other meritorious facts, arguments and authorities raised by the other preference defendants in opposition to Delphi's motions for leave to amend with regard to them.

Ahaus incorporate all of the other meritorious facts, arguments and authorities raised by the other preference defendants in their First Wave Motions.

Ahaus incorporate all of the other meritorious facts, arguments and authorities raised by the other preference defendants at the July 22, 2010 hearing on the First Wave Motions. As per the declaration of Kevin Ahaus dated July 1, 2010 (previously filed docket no. 47 in its adversary proceeding (07-02076) and 20336 in 05-44481), Ahaus was not provided with notice of the motions to extend time to serve the adversary, nor with the orders extending time to serve the adversaries and did not know of the existence of same until after Ahaus was served with the complaint in December, 2009. Each of the extension orders required that they

be served with the complaint. Three of them were not. The adversary docket at docket nos. 2-5 shows two of the four motions were filed and notice of two of the four orders were filed. Of course, Ahaus did not have any way or reason to look at the adversary docket before it was served in December, 2009. Ahaus and its attorneys did not know how Ahaus could be sued so long after the statute of limitations had run and so long after the last extension had run. The attorneys for the Debtors refused to advise Ahaus or its attorneys of the extension orders. See docket no. 35 filed April 7, 2010 in the adversary proceeding (07-02076). The declaration of Kevin Ahaus lays out prejudice to Ahaus by the long delay in service of the adversary.

A proposed amended complaint was attached to the Debtors' motion for leave to file an amended complaint. It wrongly increases the amount demanded. There is no basis for this increase. The amended complaint does not allege facts showing DAS was insolvent at the time of the transfers. The amended complaint does not allege that goods and or services were supplied before the transfers – so, it does not allege an antecedent debt.

For the convenience of the Court Ahaus serves and files one omnibus joinder in the sur-replies of all the other preference defendants. Ahaus respectfully joins with and incorporates all applicable arguments raised by all the other preference defendants' sur-replies.

Ahaus reserves its right to supplement this objection-joinder and to appear at any and all hearings and conferences scheduled on the Motion.

CONCLUSION

WHEREFORE, Ahaus respectfully requests that the Court for all of the reasons set forth above, deny Delphi's Motion in all respects, award Ahaus fees and costs incurred in

connection with the Adversary and grant Ahaus such other and further relief as the Court
deems just and proper.

Dated: New York, New York
June 14, 2011

HARRIS D. LEINWAND, ESQ.

Attorney for Defendant Ahaus Tool & Engineering Inc.

/S/ Harris D. Leinwand

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CERTIFICATE OF SERVICE

I, Harris D. Leinwand, being over 18 years old, hereby certify that on June 14, 2011 true
and correct copies of the Objection-Joinder of Ahaus Tool & Engineering Inc., to sur-replies to
the Reorganized Debtors' motion for leave to file amended complaints were served by overnight
mail on:

Hon. Robert D. Drain
U.S. Bankruptcy Court
Southern District of New York
300 Quarropas Street
White Plains, NY 10601-4140

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Dated: New York, New York
June 14, 2011

/S/ Harris D. Leinwand
Harris D. Leinwand, Esq. (HL-4419)